

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 04-10167-RCL
	)	
TIMOTHY HERLIHY	)	
	)	
Defendant	)	
	)	

GOVERNMENT'S ASSENTED TO MOTION TO EXCLUDE TIME

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby moves to exclude from all Speedy Trial Act calculations the period of time from January 11, 2005 (the date of a previous Status Conference) to and including February 8, 2005 (the date of the next Status Conference) (excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(F) and § 3161(h)(8)(A)). The requested delay is in the interests of justice and outweighs the best interests of the public and the defendant in a speedy trial. On January 11, 2005, the defendant, through counsel, assented to the motion to exclude from the provisions of the Speedy Trial Act the period from January 11, 2005 through February 8, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ David G. Tobin  
DAVID G. TOBIN  
Assistant U.S. Attorney

Dated: February 8, 2005